

Exhibit 12

1 UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

3
4 CIVIL ACTION NO. 4:04-CV-2688

5
6 TAMMY J. KITZMILLER, BRYAN REHM,
7 CHRISTY REHM, DEBORAH F. FENIMORE,
8 JOEL A. LIEB, STEVEN STOUGH; BETH A. EVELAND,
9 CYNTHIA SNEATH, JULIE SMITH,
10 ARALENE D. CALLAHAN ("BARRIE"),
11 FREDERICK B. CALLAHAN

12 VERSUS

13 DOVER AREA SCHOOL DISTRICT; DOVER AREA
14 SCHOOL DISTRICT BOARD OF DIRECTORS

15
16 Deposition of PROFESSOR BARBARA
17 FORREST, taken in the above-entitled cause,
18 pursuant to the following stipulation, before
19 Lisa A. Lanata, Certified Court Reporter,
20 taken at the offices of Milling, Benson, 909
21 Poydras Street, Suite 2300, New Orleans,
22 Louisiana, on the 7th day of June, 2005.

23
24 ORIGINAL
25

1 BY MR. THOMPSON:

2 Q. Now, you have had some relationship
3 with the ACLU prior to the Dover case, have
4 you not?

5 A. Oh, yes.

6 Q. And would you describe your
7 relationship with the ACLU prior to the Dover
8 case?

9 A. I have been a member since about
10 1979, and I served on their board from, a
11 Louisiana affiliate from about 1995 to 1997,
12 I believe.

13 Q. And what did you do on the board, the
14 ACLU?

15 A. I, in tandem with the other members
16 of the board, looked over cases that came
17 through that office deciding, you know, which
18 ones they would take and how they would, you
19 know -- I wasn't, had nothing to do with how
20 -- the legal considerations just which cases
21 did the affiliate want to handle. They
22 always run that through their board members.
23 We look at whatever comes in that the, you
24 know, the complaints that they are thinking
25 of acting on.

1 of foundation. It is not the subject of her
2 expert report or her work. It is something
3 you want to talk about. I mean if you have
4 names, if you have something to show to her,
5 let's do that, but this isn't her --

6 BY MR. THOMPSON:

7 Q. Well, that's an important thing.
8 You're acting as an expert purely on your
9 study of the nature and strategy of
10 intelligent design; is that correct?

11 A. Of the wedge strategy, execution of
12 the wedge strategy and the intelligent design
13 movement, yes.

14 Q. And you are not --

15 A. That was research that I did.

16 Q. And so to be clear about it, you are
17 not testifying as a philosopher of education?

18 A. Oh, no. I am not a philosopher of
19 education.

20 Q. You are not testifying as a
21 philosopher of science?

22 A. I am not a philosopher of science. I
23 am a philosopher.

24 Q. But you don't consider yourself an
25 expert in the philosophy of science, do you?

1 A. You know, I am familiar with
2 scientific reasoning. You have to know
3 something about that to speak to this issue.
4 It is not the area of my formal philosophical
5 training but it is an area in which I
6 certainly have had to become familiar with
7 scientific reasoning and the nature of
8 science in order to discuss the things that I
9 have discussed, in order to understand the
10 issues that are involved but I would not, you
11 know, I don't call myself a philosopher of
12 science.

13 Q. Do you consider yourself an expert in
14 the philosophy of science?

15 A. No, sir, I am not an expert in the
16 philosophy of science.

17 Q. You are also you do not consider
18 yourself an expert in biology, do you?

19 A. No, I am not biologist. I am a
20 philosopher.

21 Q. You don't consider yourself an expert
22 in microbiology, do you?

23 A. No, sir.

24 Q. You do not consider yourself and
25 expert in chemistry?

1 A. No, sir.

2 Q. You do not consider yourself an
3 expert in paleontology?

4 A. No.

5 Q. You don't consider yourself an expert
6 in physics?

7 A. No.

8 Q. You don't consider yourself an expert
9 in astrophysics?

10 A. No.

11 Q. You don't consider yourself an expert
12 in mathematics?

13 A. No.

14 Q. Do you consider yourself an expert in
15 the theory of probabilities?

16 A. No. But those aren't the areas that
17 I address. I mean don't speak to the content
18 of those disciplines.

19 Q. Well, you don't consider yourself a
20 scientist, do you?

21 A. Oh, no. If I wanted to be a
22 scientist, I would have, you know, done
23 something different.

24 Q. So you are not giving your opinion in
25 this expert report as a scientist but as a

1 with Hinduism to say, you know, to say there
2 are, as I understand it, it is -- while I do
3 have a Hindu friend who recently said to me
4 that, you know, Hindus don't really have a
5 lot of doctrine but there is -- it is well
6 recognized as one of the world's major
7 religions. I am not a specialist in
8 Hinduism.

9 Q. Are you a specialist in religions?

10 A. I would not say that. It is not, you
11 know, it is not my work.

12 Q. You indicated you read Professor John
13 Haught's expert opinion, did you not?

14 A. Yes.

15 Q. Do you recall his definition of
16 religion has being as follows --

17 A. I am sorry, I can't. I don't recall
18 his definition of religion from that.

19 Q. That's why I am going to read it for
20 you. In a very general sense, religion may
21 be defined as one, the surrender of one's
22 mind and heart to whatever is considered to
23 be ultimate in importance and explanatory
24 power, that's one definition; he gave three
25 definitions.

1 yes.

2 Q. And what is his definition?

3 A. I can't give it to you verbatim. I
4 can just generally explain, as I understand
5 it, that all of the parts in an organism or a
6 structure had to have been placed,
7 constructed all in one fell swoop, right, the
8 parts all have to be there in order for the
9 structure to function. If any one part is
10 removed, then the structure ceases to
11 function. It is irreducibly complex in the
12 sense that it doesn't function without a
13 piece.

14 Q. And is it fair to say that that
15 particular theory that Michael Behe holds
16 directly conflicts with Darwin's theory of
17 natural selection?

18 MR. ROTHSCHILD:

19 Objection, lacks foundation, outside
20 her area of expertise. You can answer.

21 THE WITNESS:

22 Yes, I am not a scientist. You are
23 asking me to go into an area that I don't
24 specialize in.

25 BY MR. THOMPSON:

1 Darwin's theory of evolution is a fact?

2 MR. ROTHSCCHILD:

3 Objection, mischaracterizes her
4 testimony.

5 THE WITNESS:

6 No. I am objecting to the statement
7 that theory is not a fact because I think it
8 is an attempt to question the entire edifice
9 of evolution theory in the minds of school
10 children.

11 BY MR. THOMPSON:

12 Q. Well, right now we're just looking at
13 the actual policy that is read?

14 A. And that's what I am responding to.
15 I think that is what is motivating the policy
16 and I think that it is a very well documented
17 creationist technique.

18 Q. Do you believe that the people who
19 prepared this policy were acting under the
20 guidance of the intelligent design movement?

21 A. I have no way to know.

22 Q. So you are --

23 A. When they sent out --

24 Q. So You are speculating on the
25 motivation for putting that in there?

1 suggesting it for, even if it is one student
2 in a class. It is a very misleading
3 statement which misrepresents what is
4 legitimate science.

5 Q. According to your definition of
6 legitimate science?

7 A. According to the understanding of
8 what constitutes proper science education and
9 my understanding of what constitutes science,
10 yes, sir.

11 Q. You are not a philosopher of science
12 nor are you a philosopher of education?

13 A. Have never claimed to be.

14 Q. Why are you so quick to offer an
15 opinion on that when you refuse to offer an
16 opinion on a lot of other issues dealing with
17 science?

18 MR. ROTHSCHILD:

19 Objection. You are asking her about
20 her opinion about this.

21 MR. THOMPSON:

22 But she refuses to answer a lot of
23 those questions but on these questions, she
24 is immediately ready to answer when she
25 disclaims any expertise in those areas.

1 that organization?

2 A. Yes, I do.

3 Q. What are the principles?

4 A. I can't give you a formal statement
5 of the principles of the organization, but
6 the organization is for the purpose of trying
7 to preserve the integrity of the
8 constitutional separation of church and state
9 and I simply subscribe to that.

10 Q. You're also a member of the New
11 Orleans Secular Humanist Society?

12 A. Yes, New Orleans Secular Humanist
13 Association, NOSHA, they call it NOSHA.

14 Q. And how long have you been a member?

15 A. Oh, a few years. In fact, I didn't
16 actually become a member until I was invited
17 to serve on their board. So you pay your
18 membership dues, you know. Serving on the
19 board means that I should at least pay the
20 dues, you know. I would say I was trying to
21 remember the other day when the first year, I
22 guess it has been three or four years maybe.

23 Q. And all those years have been on the
24 board of directors?

25 A. Uh-huh, (in the affirmative). Yes.

1 who has decided for whatever reason that
2 there is no supernatural, so which means
3 there would be no supernatural deity. An
4 agnostic is a person who just simply doesn't
5 feel in a position to make that determination
6 one way or the other.

7 Q. Now which are you?

8 A. I am agnostic.

9 Q. You are also as a part of New Orleans
10 Secular Humanist Association are affiliated
11 with the Council of Secular Humanists; is
12 that correct?

13 A. Yes, there is some. I am not -- I
14 can't tell you exactly what the technical
15 connection is, yes, but there is -- yes,
16 that's one of the early larger national
17 groups with which Harry made contact in
18 setting up his group. I think one of the
19 things they do is sort of give advice to
20 humanist groups around the country that want
21 to establish a chapter, I think Harry got
22 some help with them.

23 Q. They also have a set, I am referring
24 to the Council for Secular Humanism, they
25 also have a set of principles that they go

1 there have been court cases on the teaching
2 of creationism versus or the balance
3 treatment between creationism and the
4 evolution, the last case being the Aguillllard
5 case of 1987?

6 A. That was originated right here in
7 Louisiana.

8 Q. So it is not unusual for an
9 organization that is going to be promoting a
10 challenge to evolution to consider the
11 potentiality of a lawsuit?

12 A. No, I would think it was, would not
13 be unusual. It is probably the first thing
14 that they would consider.

15 Q. Now, do you have any evidence at all
16 that the members of the Dover Area School
17 Board had any knowledge of the so-called
18 wedge document?

19 A. I don't know.

20 Q. Do you have any evidence?

21 A. I can't speak to that at all. I have
22 no way to know.

23 Q. You don't have any evidence?

24 A. No.

25 Q. Do you have any evidence that the